



The Comptroller General
of the United States

Washington, D.C. 20548

SPiEgeL

Decision

Matter of: Seattle Business Services
File: B-234062
Date: March 17, 1989

DIGEST

Government mishandling was not the sole or paramount reason for the late receipt of a bid which was hand delivered to an installation postal facility 14 minutes prior to bid opening where the bid envelope was not marked with any information identifying it as a bid and, as a result, the bid was transported to the bid opening site 4 hours later by the agency's regular mail delivery, rather than by expedited mail delivery; the bid therefore was properly rejected as late.

DECISION

Seattle Business Services protests the rejection of its bid under invitation for bids (IFB) No. F04693-88-B-0005, issued by the Los Angeles Air Force Base, for the stocking, warehousing and cleaning of the base commissary. The bid was rejected because it was not received at the bid opening location until 4 hours after the scheduled bid opening.

We deny the protest.

The IFB, issued on October 27, 1988, scheduled bid opening for December 1, 1988, at 10 a.m. The solicitation advised bidders to deposit hand-carried bids at the place of bid opening: SD/PMB, 200 N. Douglas St., Bldg. 212, 2nd Floor, El Segundo, California, 90009-2060. The solicitation also instructed bidders to mark the bid envelope with the solicitation number, date and time set for bid opening. Seattle's bid was delivered by Federal Express to the solicitation-designated mailing address in the installation's postal facility at 9:46 a.m. on the day of bid opening. Since there was nothing on the Federal Express envelope indicating that it contained bid documents, mail room personnel used standard distribution procedures. Consequently, Seattle's submission was not received by the contracting officer until the next mail delivery at 2 p.m.

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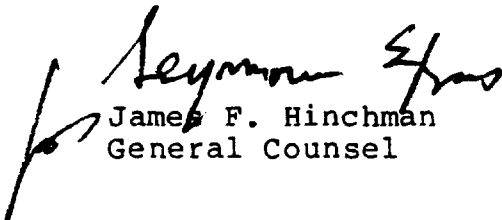
that day, 4 hours after bid opening. Seattle was subsequently notified that its bid had been rejected as late.

Seattle concedes that it employed the wrong delivery address and failed to properly label its bid envelope, but contends that mishandling by Air Force mail room personnel was the primary reason for the late receipt of its hand-carried bid. Seattle's bid was hand-carried by a commercial carrier, which does not constitute certified or registered mail, and therefore could have been considered only if government mishandling after timely receipt at the agency was the sole or paramount cause for late receipt in the bid opening room. West Canyon Boiler, Inc., B-232571, Dec. 9, 1988, 88-2 CPD ¶ 578; G.M. Coen & Associates, Inc., B-225554, Feb. 12, 1987, 87-1 CPD ¶ 156. A late bid may not be considered when the late receipt results from the failure of a bidder to reasonably fulfill its responsibility for insuring timely delivery to the designated location. West Canyon Boiler, Inc., B-232571, supra.

Here, Seattle misaddressed its bid envelope and failed to identify the contents, therefore, the Air Force mail room personnel had no reason for expediting delivery, or for treating the envelope as other than regular mail. Building Maintenance Specialists, Inc., B-215019, June 28, 1984, 84-1 CPD ¶ 690. We also note that while the Air Force indicates that Seattle's package would have been given special handling had the protester identified it as a bid, as requested in the IFB, since the package was deposited at a site more than one-half mile and a busy thoroughfare away from the correct location, only 14 minutes prior to bid opening, timely transmission of the bid would have been virtually impossible in any event.

We find that the record establishes that the paramount cause for the late arrival of Seattle's bid at the designated location was Seattle's delivery of its bid to the wrong location only 14 minutes prior to bid opening, in an envelope which Seattle neglected to mark as containing a bid, not government mishandling.

The protest is denied.


James F. Hinchman
General Counsel